

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Case No.: 3:11-bk-03992
Chapter 13

In Re:

Daniel Mosquera,
Debtor.

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS OF
CITI MORTGAGE, INC. AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtor's Motion to Determine Secured Status of CITI MORTGAGE, INC. and to Strip Lien (the "Motion"). (Doc. No. 30). No appropriate response having been filed in accordance with Local Rule 2002-4, it is:

ORDERED:

1. The Motion is **GRANTED**.
2. No claim has been filed by CITI MORTGAGE, INC., therefore, the second mortgage shall be treated as an unsecured claim in the Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 3352 Tennis Hills Lane, Jacksonville, Florida 32277, and more particularly described as follows:

Lot 388, RIDGEMOOR PHASE FOUR, According to the Plat thereof as recorded in Plat Book 13612, Page 14, inclusive, of the Public Records of Duval County, Florida.
4. The mortgage held by CITI MORTGAGE, INC., recorded on October 31, 2006, Book 13612, Page 14, Instrument No. 2006378600 of the official records of Duval County, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case; provided however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of CITI MORTGAGE, INC., lien prior to the entry of the Debtor's discharge. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DATED October 6, 2011, at Jacksonville, Florida.


Jerry A. Funk
United States Bankruptcy Judge

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
J.B. VOL. 54 NO. 7411

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